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PATENT COOPERATION TREATY

PCT/IB2005/051474

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF WITHDRAWAL
OF PRIORITY CLAIM

(PCT Rule 90bis.3 and
Administrative Instructions, Section 415(a) and (b))

To:

HOU, Deyang
5111 Avondale Drive
Sugar Land, 77479
ETATS-UNIS D'AMERIQUE

Date of mailing (day/month/year)
24 July 2007 (24.07.2007)

Applicant's or agent's file reference
HouInj1

IMPORTANT NOTIFICATION

International application No.
PCT/IB2005/051474

International filing date (day/month/year)
05 May 2005 (05.05.2005)

Applicant
HOU, Deyang

1. The applicant is hereby notified that the priority claim made in the international application has been withdrawn in accordance with a notice of withdrawal received from the applicant on: 17 July 2007 (17.07.2007)
The attention of the applicant is drawn to the fact that the withdrawal of the priority claim will result in the re-calculation of time limits which have not already expired (see Rule 90bis.3(d)).
2. ☒ Where multiple priorities have been claimed, the above action relates to the following priority claim(s):
CN 18 January 2005 (18.01.2005) 2005102000399
- 3: A copy of this notification has been sent to the receiving Office and to:
☐ the International Searching Authority (where the international search report and the written opinion of the International Searching Authority have not yet been issued)
☒ the designated Offices (in accordance with Rule 93bis)
☐ the International Preliminary Examining Authority.

The International Bureau of WIPO
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Form PCT/IB/317 (October 2005)

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Date

31.05.07

Reference	Application No./Patent No. 05735757.6 - 1263 PCT/IB2005051474
Applicant/Proprietor Hou, Deyang	

Entry into the European phase before the European Patent Office

These notes describe the procedural steps required for entry into the European phase before the European Patent Office (EPO). You are advised to read them carefully: failure to take the necessary action in time can lead to your application being deemed withdrawn.

1. The above-mentioned international patent application has been given European application No. 05735757.6.
2. Applicants without a residence or their principal place of business in an EPC contracting state may themselves initiate European processing of their international applications, provided they do so before expiry of the 31st month from the priority date (see also point 6 below).

During the European phase before the EPO as designated or elected Office, however, such applicants must be represented by a professional representative (Arts. 133(2) and 134(1), (7) EPC).

Procedural acts performed after expiry of the 31st month by a professional representative who acted during the international phase but is not authorised to act before the EPO have no legal effect and therefore lead to loss of rights.

Please note that a professional representative authorised to act before the EPO and who acted for the applicant during the international phase does not automatically become the representative for the European phase. Applicants are therefore strongly advised to appoint in good time any representative they wish to initiate the European phase for them; otherwise, the EPO has to send all communications direct to the applicant.

3. Applicants with a residence or their principal place of business in an EPC contracting state are not obliged to appoint, for the European phase before the EPO as designated or elected Office, a professional representative authorised to act before the EPO. However, in view of the complexity of the procedure it is recommended that they do so.
4. Applicants and professional representatives are also strongly advised to initiate the European phase using EPO Form 1200 (available free of charge from the EPO). This however is not compulsory.



5. To enter the European phase before the EPO, the following acts must be performed.
(N.B.: Failure validly to do so will entail loss of rights or other adverse legal consequences.)

5.1 If the EPO is acting as **designated or elected** Office (Arts. 22(1)(3) and 39(1) PCT respectively), applicants must, within 31 months from the date of filing or (where applicable) the earliest priority date:

- a) Supply a translation of the international application into an EPO official language, if the International Bureau did not publish the application in such a language (Art. 22(1) PCT and R. 107(1)(a) EPC).
If the translation is not filed in time, the international application is deemed withdrawn before the EPO (R. 108(1) EPC).
This loss of rights is deemed not to have occurred if the translation is then filed within a two-month grace period as from notification of an EPO communication, provided a surcharge is paid at the same time (R. 108(3) EPC).
- b) Pay the national basic fee and, where a supplementary European search report has to be drawn up, the search fee ; R. 107(1)(c) and (e) EPC).
- c) If the time limit under Article 79(2) EPC expires before the 31-month time limit, pay the designation fee for each contracting state designated (R. 107(1)(d) EPC).
- d) If the time limit under Article 94(2) EPC expires before the 31-month time limit, file the written request for examination and pay the examination fee; R. 107(1)(f) EPC).
- e) Pay the third-year renewal fee if it falls due before expiry of the 31-month time limit (R. 107(1)-(g) EPC).

If the fees under (b) to (d) above are not paid in time, or the written request for examination is not filed in time, the international application is deemed withdrawn before the EPO, or the contracting-state designation(s) in question is (are) deemed withdrawn (R. 108(1) and (2) EPC). However, the fees may still be validly paid within a two-month grace period as from notification of an EPO communication, provided the necessary surcharges are paid at the same time (R. 108(3) EPC). For the renewal fee under (e) above, the grace period is six months from the fee's due date (Art. 86(2) EPC).

For an overview of search and examination fees, see the Notice from the European Patent Office dated 1 March 2006, OJ EPO 2006, 192.

5.2 If the application documents on which the European grant procedure is to be based comprise more than ten claims, a claims fee is payable within the 31-month time limit under Rule 107(1) EPC for the eleventh and each subsequent claim (R. 110(1) EPC). The fee can however still be paid within a one-month grace period as from notification of an EPO communication pointing out the failure to pay (R. 110(2) EPC).

6. If the applicant had a representative during the application's international phase, the present notes will be sent to the representative, asking him to inform the applicant accordingly.

All subsequent communications will be sent to the applicant, or - if the EPO is informed of his appointment in time - to the applicant's European representative.



Date

Sheet 3

Application No. 05735757.6

7. For more details about time limits and procedural acts before the EPO as designated and elected Office, see the EPO brochure

How to get a European patent
Guide for applicants - Part 2
PCT procedure before the EPO - "Euro-PCT"

This brochure, the list of professional representatives before the EPO, Form 1200 and details of the latest fees are now all available on the Internet under

<http://www.european-patent-office.org>

Receiving Section

